

PB# 87-8

A. Rizzo & L. Rigney

33-2-13

██████████
RIZZO, A. & RIGNEY, L. 87-8

General Receipt

8574

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, N. Y. 12550

Received of Jan. 27 19 87
Roadside, Angelo Rizzo \$ 25.00

Twenty-five and 00 DOLLARS
100

For application fee 87-8

DISTRIBUTION

FUND	CODE	AMOUNT
<u>OK # 4994</u>		<u>25.00</u>

By Pauline M. Townsend
ES

Town Clerk

General Receipt

9774

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, N. Y. 12550

Received of Apr. 29 19 88
Rizzo & Rigney \$ 200.50

Two Hundred and 50 DOLLARS
100

For Plan. Bd. Engineering Fee + Site Plan 87-8

DISTRIBUTION

FUND	CODE	AMOUNT
<u>Check # 200.50</u>		
<u># 126</u>		

By Pauline M. Townsend
ES

Town Clerk

Title

County File No. NWT 30-87 M

COUNTY PLANNING REFERRAL

(Mandatory County Planning Review under Article 12-B,
Section 239, Paragraphs 1, m & n, of the
General Municipal Law)

Application of Angelo Rizzo and Lorraine Rigney

for a Site Plan- NYS 207

County Action: Local Determination

LOCAL MUNICIPAL ACTION

The Above-cited application was:

Denied Approved

Approved subject to County recommendations

(Date of Local Action)

(Signature of Local Official)

This card must be returned to the Orange County Department of Planning
within 7 days of local action.

CP # 4994	25.00

Town Clerk

General Receipt		9774									
TOWN OF NEW WINDSOR 555 Union Avenue New Windsor, N. Y. 12550											
Received of	Rizzo & Rigney	Apr. 29 19 88									
	Two Hundred and 50/100	\$ 200.50									
		DOLLARS									
For	Plan. Bd. Engineering Fee & Site Plan 87-8										
DISTRIBUTION <table border="1"> <thead> <tr> <th>FUND</th> <th>CODE</th> <th>AMOUNT</th> </tr> </thead> <tbody> <tr> <td>Check # 200.50</td> <td></td> <td></td> </tr> <tr> <td># 126</td> <td></td> <td></td> </tr> </tbody> </table>			FUND	CODE	AMOUNT	Check # 200.50			# 126		
FUND	CODE	AMOUNT									
Check # 200.50											
# 126											
By	Pauline J. Townsend										
	Town Clerk										
	Title										

Williamson Law Book Co., Rochester, N. Y. 14609

County File No. NWT 30-87 M

COUNTY PLANNING REFERRAL
 (Mandatory County Planning Review under Article 12-B,
 Section 239, Paragraphs 1, m & n, of the
 General Municipal Law)

Application of Angelo Rizzo and Lorraine Rigney
 for a Site Plan- NYS 207
 County Action: Local Determination

LOCAL MUNICIPAL ACTION
 The Above-cited application was:
 Denied Approved
 Approved subject to County recommendations

(Date of Local Action) (Signature of Local Official)

This card must be returned to the Orange County Department of Planning
 within 7 days of local action.

Water ✓
 Building ✓
 12/8/87
 PB Engineers
 Dr. J. J. J.
 Bill.
 2000
 Rigney
 2001
 2002
 2003
 2004



McGOEY and HAUSER
CONSULTING ENGINEERS P.C.

45 QUASSAICK AVE. (ROUTE 9W)
NEW WINDSOR, NEW YORK 12550

TELEPHONE (914) 562-8640
PORT JERVIS (914) 856-5600

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
Associate

Licensed in New York,
New Jersey and Pennsylvania

TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: RIZZO AND RIGNEY SITE PLAN
PROJECT LOCATION: WEATHER OAK HILL ROAD AND ROUTE 207
NEW WINDSOR #: 87-08
13 APRIL 1988

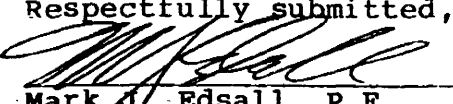
1). The Applicant has submitted a Site Plan for review which proposes the construction of a 10'x 16' addition to the existing "Ice-cream building" of the site. This plan was previously reviewed at the 13 January 1988 and 23 March 1988 Planning Board meetings.

2). It is my understanding that the New York State Department of Transportation has indicated that no approval or submittals are required for the existing site driveway onto Route 207. This should be verified.

3). The Board may wish to take action to assume the position of Lead Agency under the SEQRA Review Process. In addition, a determination of significance could be discussed.

4). Inasmuch as the Site Plan includes only the enclosure of an existing slab as an addition to an existing structure, and same has been found acceptable by the various Town Departments, it is my opinion that the addition is acceptable from an engineering standpoint. The Board may wish to further discuss the conditions with regard to the existing parking area surface, access drives, etc.. In addition, the Board may wish to discuss with the Applicant the fact that further "crowding" of this site would be undesirable.

Respectfully submitted,


Mark J. Edsall, P.E.
Planning Board Engineer

MJE/dl
rizzo

RIZZO AND RIGNEY SITE PLAN (87-8) CUOMO

Mr. Paul Cuomo came before the Board representing this proposal.

Mr. Cuomo: This is about an addition to an ice cream place.

Mr. Edsall: You might want to have the owner note for the record the change in representation is okay, I believe they are in the audience.

Mr. Cuomo: There was a problem. We changed the building composition

to a fireproof composition in order to let us have it near the garage.

Mr. Van Leeuwen: Is that parking lot going to be blacktopped?

Mr. Cuomo: Where it says driveway?

Mr. VanLeeuwen: Well, it is five spaces. The driveway and the other five spaces.

Mr. Rizzo: We intend to do all of that, not right now but after we get all done because we don't know what we are going to be digging out. We might have to dig out the front lawn. They wanted to do everything at one shot. I want to put blacktop around the side, too.

Mr. Van Leeuwen: What is your plan to do within 30 days after you finish the rear of the building up?

Mr. Rizzo: It all depends if we are going to need extra space. We'd do it later on. We have a lawn up front that we might want to dig up.

Mr. Scheible: We are not going to do anymore enlarging as far as I am concerned. We have saturated this whole site here. If you take this flagstone patio away from here --

Mr. Rizzo: No, not taking it out. There is a lawn.

Mr. Scheible: You have the five spaces right up against the house.

Mr. Rizzo: There is a piece of lawn between the house.

Mr. Scheible: I don't want to see anymore.

Mr. Rizzo: I just thought I'd widen it.

Mr. Scheible: How far away from the house will the parking spaces be right now?

Mr. Rizzo: I'd say a good 25 feet, 30 feet.

Mr. Scheible: You should leave that much in front of the house, if it is going to be a residence. What is this, a residence or what?

Mr. Rizzo: Right.

Mr. Scheible: You can't have the parking spaces right up to the residence, right to the walls.

Mr. Rizzo: As far as the blacktop, I don't see what does that serve as far as the blacktop. It is shale there now which is useable.

Mr. Scheible: Dustfree. You have a food establishment. We just had a little deli down the road, he has until June 1st, his deadline, to have blacktop put in there.

Mr. Babcock: It is town code that if you maintain as a dustfree surface.

Mr. Rizzo: Okay, if it is town code, you have an open hot dog truck selling hot dogs in the middle of the street.

Mr. Babcock: He has been violated.

Mr. Rizzo: My place is all closed.

Mr. VanLeeuwen: We cannot make exceptions. We have certain laws we go by and we can't waive those laws for anybody.

Mr. Rizzo: For two years, this place has been inactive. I haven't made a dime for two years. I haven't been able to produce any money. It has just been sitting there. I intend to -- I want to comply.

Mr. VanLeeuwen: That is not our fault though.

Mr. Rizzo: But the gentleman went in under a hardship and I have the same situation.

Mr. VanLeeuwen: Why do you have a hardship?

Mr. Rizzo: He said he didn't have the money to pave the lot so suppose I said the exact same thing.

Mr. VanLeeuwen: Then we couldn't approve it. And I wouldn't approve it.

Mr. Rizzo: I intend to blacktop it, but I can't do it right away. I definitely am going to blacktop it or oil or chip.

Mr. Scheible: Is oil and chip acceptable?

Mr. Babcock: Sure.

Mr. Cuomo: Double surface treatment.

Mr. Edsall: Yes, double surface and rolled, if possible, that would keep it down, right?

Mr. Lander: Yes.

Mr. VanLeeuwen: I have no problem with the addition originally. I did because this property is getting very crowded, but I am going to approve the addition. I want the driveway blacktopped. That has been a bone of contention for five years. It's got to be done.

Mr. Pagano: This is a food establishment. People are going to have food, garbage is going to be all over. Oil and chips is going to be hard to keep up. Blacktop is going to be smooth, be able to sweep and maintain. But if you leave it the way it is or chip, it is not going to be possible to clean up.

Mr. McCarville: I agree.

Mr. Rizzo: It is not that I want to balk against it. I want to do it. Could I get at least six months before I do it? I would guarantee if I sold it, which I don't plan to, I'd take care of it.

Mr. McCarville: Is any portion blacktopped?

Mr. Lander: What did the fire bureau say?

Mr. Scheible: They are now accepting this as of last week. The only thing holding this up is the blacktop, which we already discussed. I knew this was going to be the bottleneck. We discussed this before we discussed it at the last meeting.

Mr. VanLeeuwen: I make a motion that the Planning Board of the Town of New Windsor approve the Rizzo and Rigney site plan with the parking area shown as blacktopped by June 30, 1988.

Mr. Rizzo: The Board of Health gave me a license. Like I say, it is easy to clean, but I really hate like heck to get into that kind of expense right this minute. I mean it is not something -- you guys are right. I'm not saying you're wrong. I understand that you have to comply with the law and I want to also, but the fact is that we have to do it right away.

Mr. Pagano: We are trying to help your business. I think people will be more attracted to it.

Lou Alugia: I am going to lease the place so I went through town before I stepped into something. I called the Board of Health and asked them is there anything about this -- this is before I got to know Mr. Rizzo. After the first meeting, I am going to lease it and run it and that is it. It is a new venture for me. It is

something that I always wanted to do. So he gave me an opportunity that was golden to lease it. But the first night I met him, I went home and the next day I called the Board of Health and I spoke to people out there and they said the Roadside probably has one of the best ratings as far as cleanliness. I said, is there anything else about it where I'd have trouble with the Board of Health? They said, no, sir, not at all. I will give you my verbal word that I did check on that, not that I don't trust Mr. Rizzo, but I didn't know him. I spoke to him by phone.

Mr. Scheible: What kind of business are you going to put in there?

Mr. Aulogia: It is going to be soft ice cream, hard ice cream, hot dogs and hamburgers. I'd like to introduce fish and chips and seafood and basically it's been a pet thing that I have had for years. It is not the kind of thing that I'd go out and buy a piece of land and build a building. I'd be dead by then. As far as the Board of Health is concerned, they did tell me --

Mr. VanLeeuwen: We still have a problem. We have certain things that we have to deal with and I've been trying to get Fred Palacia (phonetic) and he has agreed and hasn't done it. I don't want to see this happen again.

Mr. Lander: Give him until September or four months to get the blacktop done.

Mr. VanLeeuwen: I will change my motion till July 30th.

Mr. McCarville: I will second that motion.

ROLL CALL:

MR. LANDER	AYE
MR. MC CARVILLE	AYE
MR. SCHIEFER	AYE
MR. PAGANO	AYE
MR. SCHEIBLE	AYE
MR. VAN LEEUWEN	AYE



McGOEY and HAUSER
CONSULTING ENGINEERS P.C.

45 QUASSAICK AVE. (ROUTE 9W)
NEW WINDSOR, NEW YORK 12550

TELEPHONE (914) 562-8640
PORT JERVIS (914) 856-5600

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
Associate

Licensed in New York,
New Jersey and Pennsylvania

TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: Rizzo and Rigney Site Plan
PROJECT LOCATION: Weather Oak Hill Road and Route 207
NW#: 87-8
23 March 1988

1. The Applicant has submitted a Site Plan for review which proposes the construction of a 10 foot by 16 foot addition to the existing "Ice Cream Building" of the site. This plan was previously reviewed at the 13 January 1988 Planning Board meeting. A different version of the plan was reviewed at the 22 April 1987 Planning Board meeting.


2. The Site Plan as submitted and reviewed by various Departments currently has several disapprovals. In addition, the New York State Department of Transportation has indicated that the 20 foot drive is not acceptable and that the application must be reviewed by the Regional Office. It is my recommendation that prior to Planning Board approval, all Departments be further consulted such that any necessary revisions can be made.

It is my understanding that the only change and/or addition for this Application involves the enclosure of the patio area. If this is the case, it should be verified that all other site conditions have previously been submitted and approved, including the "Highway Curb Cut".

3. The Board may wish to take action to assume the position of Lead Agency under the SEQRA Review Process.

4. I find the overall Site Plan for this project extremely crowded. Other than enclosing the patio area as a work area for the business, I would not recommend any further development of the site. In fact, it may be worthwhile discussing with the Applicant any possible parking and driveway improvements which can be made.

Respectfully submitted,


Mark J. Edsall, P.E.
Planning Board Engineer

MJEcao
Rizzo.cao

Mr. Patrick Kennedy came before the Board representing this proposal.

Mr. Kennedy: The only thing we are doing is enclosing the existing slab for a work area. We are not adding anything that would effect any of the sewers.

Mr. Scheible: From the DOT they are disapproving it. There comment is a 20' drive would not be allowed off 207. Why can't they enter and exit on Weather Oak Hill Road. Evidently, there must never have been DOT approval.

Mr. Kennedy: It was a nursery before. Then we made some change of lines. We had two or three things to go over at that time. I know there is several nonconformities that the original building from the Green Thumb was not put in the right spot although the Building Inspector at that time had allowed him to put it there. That site created a problem with the drainage along side of it. There was a variance gotten that the Zoning Board of Appeals, I don't remember all of the process but we went into tremendous depth at that time about this. Again, that driveway was there. It was the same driveway used when it was a garden center which had a previous site plan approval. It was also the driveway entrance when it was going to the garage.

Mr. Scheible: The only thing I can remember as far as I have been on the Board is an approval for the ice cream stand and parking spaces there. There is also the Fire Bureau, this is dated December 15th.

Mr. Babcock: What did they disapprove?

Mr. Scheible: Table A-77 requires a minimum of 15' between buildings with combustible walls, with combustible exterior walls, spacing it.

Mr. Kennedy: There was a structure designed by Paul Cuomo on meeting with Mr. Rogers requirements.

Mr. Babcock: There should be a copy of the plans in the file.

Mr. Kennedy: It was approved by Mike and by Bobby as to the structure that was going to be built over the slab.

Mr. Babcock: I believe you need a C.O. on this addition because it is to close to the existing garage.

Mr. Kennedy: This is what we are talking about for fire ratings. It is part of the building code. What we had to do is make this particular structure a particular fire rating.

Mr. Babcock: What the law says if it is a combustible siding it has to be 15' away. If it is noncombustible it can be 10' so they designed the building so it is noncombustible, exterior surface. Now they have no problem. We did a lot of work on this to figure out what we are going to use on that and last week he came in and we had it all set up. Bobby approved it and he was sending a memo to the file saying that the Fire Bureau approved this. It should be in the file unless it didn't get there yet.

Mr. McCarville: Are those spaces paved there?

Mr. Kennedy: Not at this time, no.

Mr. Pagano: Is it going to remain an ice cream stand?

Mr. Kennedy: Yes. All we are doing is enclosing the additional slab for additional work space and we had the actual structure designed to meet Mike and Bobby's requirements.

Mr. Scheible: You still have a problem with the C.O.

Mr. Kennedy: That is a different way. That was always there. The only thing we did was to add to this driveway to make it more conformed with the rest of the driveway. We added curves which weren't a requirement before.

Mr. Scheible: I suggest that you get in touch with the DOT and find out why they are going to bring this up at this point.

Mr. Edsall: Pat, is there curbing out there now.

Mr. Kennedy: No this is the way it has been for a long time. We did this to help this along, not to create a problem.

Mr. McCarville: If you get your approval there I suggest this be made one way in and one way out.

Mr. Kennedy: I will get ahold with the DOT and find out what the problem is.

Mr. Edsall: Could you have Pat also check with Skip Fayo. He doesn't have any problem but he asking to put in culver pipes underneath two drives off Weather Oak. I don't know if there is

a'swail or not. Maybe just double check so that if there is a way of doing it, at least you can comply with what the Highway Superintendent wants.

Mr. Scheible: What kind of dust free surface are you going to have?

Mr. Kennedy: Whatever is there now.

Mr. Scheible: It is not dust free, we can't have double standards here. We are making other people do it. The little deli down the road we are making him put a dust free surface in. So the two outstanding items will be the DOT approval and a dust free surface.

Mr. Kennedy: Yes, thank you.

----- .

TOWN OF NEW WINDSOR PLANNING BOARD
TRACKING SHEET

PROJECT NAME: _____

Rizzo and Rigley Site Plan

PROJECT NO. : _____

87-8

TYPE OF PROJECT: _____

Subdivision _____

Site Plan ☒

Lot Line Change _____

Other (Describe) _____

TOWN DEPARTMENT REVIEWS:

Date
App'd

Date
Not App'd

Not
Required

Planning Board Engineer _____

Highway _____

Bus. Fire Prev. _____

Sewer _____

Water _____

Flood _____

See Comments
4/16/88
✓

12/15/87
1/14/88

OUTSIDE DEPT./AGENCY REVIEWS:

DOT _____

DEC _____

O/C PLANNING _____

O/C HEALTH _____

NYS DOH _____

OTHER (SPECIFY) _____

See Comments 2/22/88

County Action

See Letter

SEOR:

Lead Agency Action _____

Determination _____

EAF Short *Yes* Long _____

Submitted _____

Accepted _____

Proxy: Filed *NO*

Representative _____

PUBLIC HEARING:

Held (DATE) _____

Waived* _____

Other _____

(* Minor Subdivision and Site Plans only.)

TIME SEQUENCING:

(SUBDIVISIONS)

Sketch Plan Date _____

+ 30 days = Action Date _____

Preliminary P/H Date _____

+ 45 days = Action Date _____

Preliminary App'l Date _____

+ 6 months = Final Resub. Date _____

Final Plan Date _____

+ 45 days = Final App'l Date _____

TIME SEQUENCING:

(SITE PLANS)

Presubmission Conf. Date _____

+ 6 months = Submittal Date _____

First Meeting Date _____

+ 90 days = Final App'l Date _____

87-8

STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
112 DICKSON STREET
NEWBURGH, NY 12550

Albert E. Dickson
Regional Director

Franklin E. White
Commissioner

TOWN OF NEW WINDSOR
PLANNING BOARD
TOWN HALL
555 UNION AVE
NEW WINDSOR, N.Y. 12550

2/22/88

RE: SITE PLAN FOR
ANGELO RIZZO & LORRAINE RIGNEY
Rt 207 across from
Square Hill Rd. MM 116.0

Dear Sir

We have reviewed this matter and please find our comments
checked below:

- ___ A Highway Work Permit will be required
- ___ No objection
- ___ Need additional information __ Traffic Study
- ___ Drainage Study
- ☒ To be reviewed by Regional Office
- ___ Does not affect N.Y. State Dept. of Transportation

ADDITIONAL COMMENTS:

A 20' DRIVE WILL NOT BE ALLOWED. WHY CAN'T
THEY ENTER & EXIT ONTO WEATHER OAK HILL ROAD

Very truly yours,

W. Elgee

William Elgee
C.E. I Permits
Orange County

WE/dn

87-8

BUILDING INSPECTOR, P.B. ENGINEER, FIRE INSPECTOR, D.O.T. O.C.H. O.C.P.
WATER, SEWER, HIGHWAY REVIEW FORM: D. P. W.

The maps and plans for the Site Approval _____
Subdivision _____ as submitted by _____
_____ for the building or subdivision of _____
_____ has been
reviewed by me and is approved _____,
disapproved _____.

If disapproved, please list reason.

*Site to be approved by D.O.T.
freightkeeper before a permit
can be issued*

W. Elgee
HIGHWAY SUPERINTENDENT N.Y.S.D.O.T.

WATER SUPERINTENDENT

SANITARY SUPERINTENDENT

DATE

TOWN OF NEW WINDSOR
BUREAU OF FIRE PREVENTION
SITE PLAN REVIEW FORM

PLANNING BOARD

REFERENCE NUMBER: 87-8

FIRE BUREAU

REFERENCE NUMBER: 87-104

SITE PLAN FOR: ANGELO RIZZO & LORRAINE RIGNEY

ADDRESS: 601 LITTLE BRITAIN ROAD, NEW WINDSOR, NEW YORK 12550

The aforementioned site plan or map was reviewed by the BUREAU OF FIRE PREVENTION at a meeting held on 15 DECEMBER 1987.

 The site plan or map was approved by the BUREAU OF FIRE PREVENTION.

X The site plan or map was disapproved by the BUREAU OF FIRE PREVENTION for the following reason(s).

TABLE I-770 OF TITLE 9 REQUIRES A MINIMUM OF FIFTEEN FEET BETWEEN BUILDINGS WITH COMBUSTIBLE WALLS WITH COMBUSTIBLE EXTERIOR FINISHES

6 April 1988

Building plans revised and to be non-combustible construction
Plans are now acceptable

APPROVED BY THE
BUREAU OF FIRE PREVENTION
TOWN OF NEW WINDSOR, N. Y.

DATE 4/88

SIGNATURE [Signature]

SIGNED: [Signature]

87-8

BUILDING INSPECTOR, P.B. ENGINEER, FIRE INSPECTOR, D.O.T. O.C.H. O.C.P.
WATER, SEWER, ~~REVISION~~ REVISE FORM: D. P. W.

The maps and plans for the Site Approval A. Reggs & L. Regney
Subdivision _____ as submitted by
Kennedy for the building or subdivision of
_____ has been
reviewed by me and is approved ✓
disapproved _____.

If disapproved, please list reason.

Installation of ~~pp~~ pipe on 2 driveways off Weather
Oak Hill Rd.

Fred Lys, Jr. (ms)
HIGHWAY SUPERINTENDENT

WATER SUPERINTENDENT

SANITARY SUPERINTENDENT

DATE



McGOEY and HAUSER
CONSULTING ENGINEERS P.C.

45 QUASSAICK AVE. (ROUTE 9W)
NEW WINDSOR, NEW YORK 12550

TELEPHONE (914) 562-8640
PORT JERVIS (914) 856-5600

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
Associate

Licensed in New York,
New Jersey and Pennsylvania

TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: Rizzo and Rigney Site Plan
PROJECT LOCATION: Weather Oak Hill Road and Route 208
NEW WINDSOR #: 87-8
13 January 1988


1). The Applicant has submitted a site plan for review which proposes the construction of a 10' by 16' addition to the existing "Ice Cream Building" of the site. A different version of this plan was reviewed at the 22 April 1987 Planning Board Meeting.

2). Prior to making a determination regarding the proposed addition, it may be beneficial to clarify what site plan approvals have been obtained on the subject site to date. Depending on what improvements are already approved, the portions reviewed and comments presented will differ. It is not recommended that the Board take any positive action until the disposition of previous approvals has been determined.

3). The Board should note that the plan has been disapproved by the Bureau of Fire Prevention reflective of the fact that the proposed addition would not provide minimum required spacing between structures.

4). At such time that additional information is received regarding the existing site, Engineering comments, if required, will be provided.

Respectfully submitted,



Mark J. Edsall, P.E.
Planning Board Engineer

1-13-88

RIZZO AND RIGNEY SITE PLAN (87-8)

Mr. Patrick Kennedy came before the Board representing this proposal.

Mr. Kennedy: If you remember last year when we were in he was proposing a considerable addition with parking off Weather Oak here, he has abandoned that idea and he is asking for an existing concrete slab and all he wants to do is close that to get some additional area and storage.

Mr. Mc Carville: This parking space is up here these aren't existing are they?

Mr. Van Leeuwen: Are you planning to blacktop it?

Mr. Kennedy: Yes. All he wants to do is close the existing concrete area in.

Mr. Pagano: Was the drainage easement out, is it at the right location?

Mr. Kennedy: Yes. They had shifted the easement over when the last applicant came in with the ice cream and when he was converting it from his original site plan from the green house that was putting in a drive area and that was approved and we had to work with the Town Board on changing the actual location of the stream easement which had all been worked out on the previous.

Mr. Pagano: But it is corrected now?

Mr. Kennedy: Yes, this is how it is presently looks now, how it physically exists.

Mr. Kennedy: I'd like our building inspector to take a look at it and make sure there are proper construction methods being used in the concrete slab there.

Mr. Schliefer: That one bothers me a little.

Mr. Edsall: That was between the garage and existing structure.

Mr. Scheible: The commission that a site plan was disapproved by the Bureau of Fire Prevention.

Mr. Kennedy: He'd have to show the fire bureau the type of materials he is going to use on the building.

Mr. Rizzo: That cement slab was poured and we capped it we just poured more cement over it.

Mr. Scheible: Was that just a slab or was there a foundation.

Mr. Rizzo: I don't think there is. It is down pretty deep.

Mr. Scheible: That will be up to our building inspector to determine.

Mr. Rizzo: When the floor was poured in the building that was all poured.

Mr. Mc Carville: I think you have to go to the fire inspector.

Mr. Kennedy: That is no problem.

Mr. Mc Carville: I'd like to have Mike take a look at the slab if you wouldn't mind.

Mr. Scheible: We are not going to make any determinations since it is under review tonight.

Mr. Edsall: I might want to get them to waive the the requirement for the action by the Board because they first appeared in April.

Mr. Scheible: That was a different plan altogether.

Mr. Edsall: Was that plan formally rejected?

Mr. Kennedy: No, and that was under the same application.

Mr. Scheible: Do you waive the 45 day application?

Mr. Rizzo: Yes. I will accept the waiver.

██████████ 1



Louis Neimbeck
County Executive

PLANNING BOARD
12-17-87

87-8

Department of Planning
& Development

124 Main Street
Goshen, New York 10924
(914) 294-5151

Peter Garrison, Commissioner
Richard S. DeTurk, Deputy Commissioner

ORANGE COUNTY DEPARTMENT OF PLANNING & DEVELOPMENT
239 L, M or N Report

This proposed action is being reviewed as an aid in coordinating such action between and among governmental agencies by bringing pertinent inter-community and Countywide considerations to the attention of the municipal agency having jurisdiction.

Referred by T. NEW WINDSOR PLANNING BOARD D P & D Reference No. NYOT 30-87M

Applicant ANGELO RIZZO AND LORRAINE KIONELY County ID No. 33, 2, 1, B.1

Proposed Action: SITE PLAN: BUILDING ADDITION

State, County, Inter-Municipal Basis for 239 Review FRONTAGE/ACCESS NY 520.7

County Effects: _____

Related Reviews and Permits _____

County Action: ☒ Local Determination ☐ Approved ☐ Disapproved

Approved subject to the following modifications and/or conditions: _____

DECEMBER 10, 1987
Date

Peter Garrison
Commissioner

☐ Postcard Returned
Date _____



COUNTY OF ORANGE
LOUIS HEIMBACH, COUNTY EXECUTIVE

Department of Public Works

ROUTE 17-M P.O. BOX 509
GOSHEN, NEW YORK 10924
TEL: Office 294-7951 - Garage 294-9115

LOUIS J. CASCINO, P.E.
Commissioner

87-8

PLANNING BOARD

12-17-87

December 11, 1987

Mr. Henry Schieble, Chairman
Town of New Windsor Planning Board
555 Union Avenue
New Windsor, New York 12550

Re: Rizzo-Rigney Subdivision

Dear Mr. Schieble:

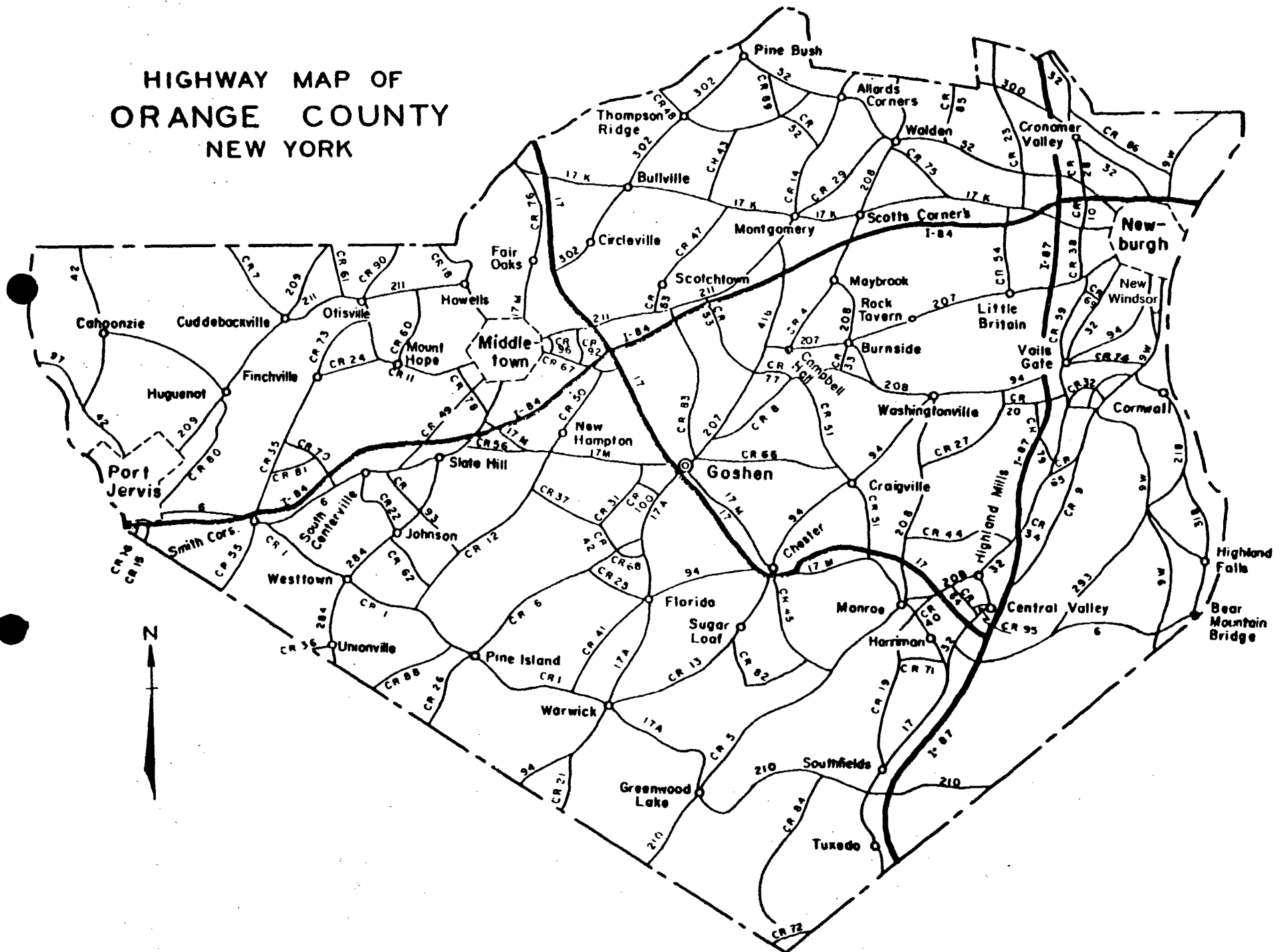
With reference to the above mentioned subdivision, we have reviewed the plan and inasmuch as it does not effect the County Road System, we have no comment. However, we will retain the maps for future reference.

Very truly yours,

Robert W. Gilson
Division of Engineering

RWG/ljl

HIGHWAY MAP OF ORANGE COUNTY NEW YORK



TOWN OF NEW WINDSOR
BUREAU OF FIRE PREVENTION
SITE PLAN REVIEW FORM

PLANNING BOARD

REFERENCE NUMBER: 87-8

FIRE BUREAU

REFERENCE NUMBER: 87-104

SITE PLAN FOR: ANGELO RIZZO & LORRAINE RIZZO

ADDRESS: 601 LITTLE BRITAIN ROAD, NEW WINDSOR, NEW YORK 12550

The aforementioned site plan or map was reviewed by the BUREAU OF FIRE PREVENTION at a meeting held on 15 DECEMBER 1987.

 The site plan or map was approved by the BUREAU OF FIRE PREVENTION.

X The site plan or map was disapproved by the BUREAU OF FIRE PREVENTION for the following reason(s).

TABLE I-770 OF TITLE 9 REQUIRES A MINIMUM OF FIFTEEN FEET BETWEEN BUILDINGS
WITH COMBUSTIBLE WALLS WITH COMBUSTIBLE EXTERIOR FINISHES

SIGNED:



COUNTY OF ORANGE

LOUIS HEIMBACH, County Executive

Department of Health

124 MAIN STREET
GOSHEN, NEW YORK 10924 TEL: 914-294-7961

87-8

Walter O. Latzko
President, Board of Health

December 15, 1987

RE: Rizzo & Rigney
Town of New Windsor

Planning Board
Town of New Windsor
555 Union Avenue
New Windsor, NY 12550

Gentlemen:

This ice cream stand is a property that comes under our regulation. Plans for this proposed extension must, therefore, be submitted to this department for our review and approval prior to construction.

Very truly yours,

M. J. Schleifer, P.E.
Assistant Commissioner

MJS:dlb

cc: File

PLANNING BOARD

12-16-87

87-8

BUILDING INSPECTOR, P.B. ENGINEER, FIRE INSPECTOR, D.O.T. O.C.H. O.C.P.
WATER, HIGHWAY REVIEW FORM: D. P. W.

The maps and plans for the Site Approval ✓
Subdivision _____ as submitted by
Patrick T Kennedy for the building or subdivision of
Angelo Rizzo & Lorraine Rigney has been
reviewed by me and is approved _____,
disapproved _____.

If disapproved, please list reason.

No information regarding the disposal of waste water

HIGHWAY SUPERINTENDENT

WATER SUPERINTENDENT

Lyman D. Masten
SANITARY SUPERINTENDENT

Dec. 14, 1987
DATE

87-8

BUILDING INSPECTOR, P.B. ENGINEER, FIRE INSPECTOR, D.O.T. O.C.H. O.C.P.
SEWER, HIGHWAY REVIEW FORM: D. P. W.

The maps and plans for the Site Approval _____
Subdivision _____ as submitted by
Ratoid Kennedy & LS for the building or subdivision of
Angelo Rizzo - Corrain & Rippen has been
reviewed by me and is approved _____
~~disapproved~~ _____.

~~If disapproved, please list reason.~~

HIGHWAY SUPERINTENDENT

Steve D. Divo

WATER SUPERINTENDENT

SANITARY SUPERINTENDENT

DATE



McGOEY and HAUSER
CONSULTING ENGINEERS P.C.

45 QUASSAICK AVE. (ROUTE 9W)
NEW WINDSOR, NEW YORK 12550

TELEPHONE (914) 562-8640
PORT JERVIS (914) 856-5600

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
Associate

Licensed in New York,
New Jersey and Pennsylvania

TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: Rizzo and Rigney Site Plan
PROJECT LOCATION: Weather Oak Hill Road and Route 207
NW #: 87-8
22 April 1987

- 1). The Applicant has submitted a Site Plan for review which proposed the construction of a structure for an "eat in" facility and, what appears to be an existing garage, will be utilized as a "deli".
- 2). The parking calculation as shown on the plan only indicates spaces required for the proposed "eat-in" building; associated required spaces for the existing "ice cream building" and the proposed "deli" building should be indicated.
- 3). The Board should determine if the parking configuration having spaces with access directly off Weather Oak Hill Road is acceptable. It should be noted that these spaces access from the road within 55' of an emergency response area for the Vails Gate Fire District.
- 4). With regard to five (5) parking spaces off Weather Oak Hill Road, no provisions for pedestrian movement have been made for these customers to access the retail and eating facilities.
- 5). The Board may wish to require a site landscaping plan to further define the aesthetics of the property.
- 6). The Applicant should be provided with a Site Plan Checklist as included in the Application Package such that all items contained therein are addressed on the plan.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Mark J. Edsall', written over a horizontal line.

Mark J. Edsall, P.E.
Planning Board Engineer
MJEnJE

Mr. Scheible: If these are the correct guidelines then there is no problem after you are finished because you can see Mr. Rossini and see if these are the ones that were accepted by the Town Board as of last Wednesday. We are not going to approve anything this evening.

Mr. Ferara: I will check with the Town Clerk.

Mr. Roncs: After the Fire Prevention Bureau has a chance to look at the submittals we will put you on another agenda.

Mr. Ferrara: Thank you.

RIZZO & RIGNEY SITE PLAN (87-8)

Mr. Patrick Kennedy came before the Board representing this proposal.

Mr. Kennedy: This is a property that has been existing ice cream stand on 207 across the street from Cumberland the property has been sold and the new owner would like to expand some buildings in the back in order to have some inside seating for customers. We are expanding the parking, he has eliminated the use of the existing drive which is indicated as a deli building and he has already constructed the new garage in the back. That garage is for residential purposes only.

Mr. Van Leeuwen: First that was a building for selling plants we gave the OK for that, then he wanted to make an icecream stand we went along with that, now he wants to add to the building.

Mr. Mc Carville: The parking spaces are going to back out onto Weather Oak Road.

Mr. Kennedy: That is correct. The ends of the parking areas do not go to the edge of the pavement.

Mr. Scheible: It is still backing out into the road.

Mr. Van Leeuwen: The whole thing in the front was supposed to have been blacktopped it was never done.

Mr. Kennedy: Final, if I am not mistaken, he was called in on that before it was discussed and brought up and he had approval for a dustfree parking area it did not say blacktop pavement at that time.

Mr. Van Leeuwen: OK.

Mr. Mc Carville: Look at the percentage of what area is blacktopped or has a building, it is too much for the lot.

Mr. Kennedy: I understand what you are saying in this case I believe the zoning needs to be changed along 207 because the NC zone allows that. The zoning allows that type of development, that zoning needs to be changed there.

Mr. Mc Carville: You have a 100 foot lot and out of that you have 70 percent.

Mr. Kennedy: We can change the parking around.

Mr. Mc Carville: At what point do we stop?

Mr. Van Leeuwen: I think we ought to go down and take a look at it. Here is a copy of the engineer's report. I don't think the Board is too happy with what they see here Patrick.

Mr. Jones: Too much on one piece of land.

Mr. Kennedy: The zoning allows it on that street.

MURIEL MAC NARY SUBDIVISION (86-83)

Mr. Patrick Kennedy came before the Board representing this proposal, along with Gil Rashbaum, Esq.

Mr. Rashbaum: I am Mrs. Mac Nary's family attorney I wanted to take a minute here on her behalf to explain. Mr. Mac Nary bought this property from a member of the family in 46 and in the few years that followed Mr. and Mrs. Mac Nary built the house that is on the property. They had constructed and they lived there until Mr. Mac Nary passed away last year. Unfortunately Mrs. Mac Nary is not able to maintain the property and the cost and the taxes and everything being a widow and she would like to stay in the house that she and her husband built but to make it economically feasible she'd like to be able to sell off two lots next to her. So she asked Mr. Kennedy if he'd draw up a plan to meet your approval for a three lot subdivision.

Mr. Jones: Who is going to pave that road?

Mr. Van Leeuwen: First we should find out who owns the road?

Mr. Kennedy: Yes, I don't know the history of how all the different ownerships took place. There is a single private owner now Mrs. Mac Nary by deed has rights across the road.

Mr. Rashbaum: That road is 50 foot right of way that goes from Little Britain Road over to Mac Nary in the Woodwinds Development to Mac Nary Lane.

Mr. Mac Carville: Who owns the road?

Mr. Rashbaum: We are not exactly sure who owns the road but I think he claims the road, Mr. Spells. I have never researched it and we have no title policy except that he claims he owns it.

Mr. Reynolds: How can we do anything on that?

Mr. Scheible: I personally would like to see the road developed naturally but I do not think that Mrs. Mac Nary should have to develop that road down to 207. This is a personal reason. I think that the fault lies with the Town of New Windsor so far as the condition of the road that is it now and I think that the Town should look into this very seriously as to who should develop it and I believe that the Town has a responsibility.

WATER, SEWER, HIGHWAY REVIEW FORM:

The maps and plans for the Site Approval Benjo & Signey
Subdivision _____ as submitted by
Kennedy for the building or subdivision of
_____ has been
reviewed by me and is approved _____,
disapproved ✓.

If disapproved, please list reason.

*Parking Space off Weather Oak Hill dangerous
Drainage in back by creek should be upgraded.*

✓ Fred Lippert H.D.
HIGHWAY SUPERINTENDENT

WATER SUPERINTENDENT

SANITARY SUPERINTENDENT

DATE



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

BUREAU OF FIRE PREVENTION

SITE PLAN APPROVAL

1763

ANGELO RIZZO & LORRAINE RICNEY

The aforementioned site plan or map was reviewed by the Bureau of Fire Prevention at a meeting held on 17 February 1987.

 The site plan or map was approved by the Bureau of Fire Prevention.

✓ The site plan or map was disapproved by the Bureau of Fire Prevention for the following reason(s).

Title 9 NYCRR requires fifteen feet between buildings of combustible construction with combustible facing. The breezeway is only five (5) feet wide.

SIGNED: Richard Hotelling

CHAIRMAN

WATER, SEWER, HIGHWAY REVIEW FORM:

The maps and plans for the Site Approval ☒
Subdivision _____ as submitted by
Patrick Kennedy for the building or subdivision of
Angelo Rizzo & Lorraine Ramey has been
reviewed by me and is approved _____,
disapproved ☒.

If disapproved, please list reason.

No information regarding waste disposal.

Note: Sewer line is available in rear
of property

HIGHWAY SUPERINTENDENT

WATER SUPERINTENDENT

Lynn M. Masten
SANITARY SUPERINTENDENT

January 30, 1987
DATE

Planning Board
Town of New Windsor
555 Union Avenue
New Windsor, NY 12550

(This is a two-sided form)

Date Received 1-27-87
Meeting Date _____
Public Hearing _____
Action Date _____
Fees Paid 25.00

APPLICATION FOR SITE PLAN APPROVAL

1. Name of Project Site Plan for Angelo Rizzo & Lorraine Rigney
2. Name of Applicant Angelo Rizzo & Lorraine Rigney Phone 564-8686
Address 601 Little Britain Rd. New Windsor, New York 12550
(Street Name & No.) (Post Office) (State) (Zip Code)
3. Owner of Record same as applicant Phone _____
Address _____
(Street Name & No.) (Post Office) (State) (Zip Code)
4. Name of Person Patrick T. Kennedy, L.S. Phone 562-6444
Preparing Plan _____
Address 335 Temple Hill Rd. New Windsor, N.Y. 12550
(Street Name & No.) (Post Office) (State) (Zip Code)
5. Attorney _____ Phone _____
Address _____
(Street Name & No.) (Post Office) (State) (Zip Code)
6. Location: On the South side of Little Britain Rd (N.Y.S. Rte 207)
at south west corner of Little Britain Rd & Weather Oak Hill Rd
feet _____
(direction)
of _____
(Street)
7. Acreage of Parcel 21,350 S.F.
8. Zoning District N.C.
9. Tax Map Designation: Section 33 Block 2 Lot(s) 13
10. This Application is for the use and Construction of Addition to existing Ice Cream Stand
11. Has the Zoning Board of Appeals granted any variance or special permit concerning this property? No. If so, list case Number and Name _____
12. List all contiguous holdings in the same ownership None.
Section _____ Block _____ Lot(s) _____

FOR OFFICE USE ONLY:

Schedule _____ Column _____ Number _____

Attached hereto is an affidavit of ownership indicating the dates the respective holdings of land were acquired, together with the liber and page of each conveyance into the present owner as recorded in the Orange County Clerk's Office. This affidavit shall indicate the legal owner of the property, the contract owner of the property and the date the contract of sale was executed.

IN THE EVENT OF CORPORATE OWNERSHIP: A list of all directors, officers and stockholders of each corporation owning more than five percent (5%) of any class of stock must be attached.

I HEREBY DEPOSE AND SAY THAT ALL THE ABOVE STATEMENTS AND INFORMATION, AND ALL STATEMENTS AND INFORMATION CONTAINED IN THE SUPPORTING DOCUMENTS AND DRAWINGS ATTACHED HERETO ARE TRUE.

Sworn before me this

1/14th day of Jan, 1985

(Applicant's Signature)

Title

PAULINE G. TOWNS
Notary Public, State of New York
No. 4643692

Appointed in Orange County
My commission expires Mar. 30, 1987

OWNER'S ENDORSEMENT

(Completion required ONLY if applicable)

COUNTY OF ORANGE
STATE OF NEW YORK

ANGELO RIZZO being duly sworn, deposes and says
that he resides GOILITTLE BRITAIN RD ~~W. H. HILL~~ in the
(Owner's Address)

county of CRANE and State of N. Y.
and that he is (the Owner in fee) of (_____ of the _____
(Official Title)

Corporation which is the Owner in fee) of the premises described in the foregoing application and that he has authorized SAME _____ to make the foregoing application for special use approval as described herein.

Sworn before me this

14th day of January, 1987

(Owner's Signature)

Notary Public
PAULINE G. TOWNSEND
Notary Public, State of New York
No. 4643692
Appointed in Orange County
My commission expires Mar. 30, 1987

SHORT ENVIRONMENTAL ASSESSMENT FORM

INSTRUCTIONS:

(a) In order to answer the questions in this short EAF it is assumed that the preparer will use currently available information concerning the project and the likely impacts of the action. It is not expected that additional studies, research or other investigations will be undertaken.

(b) If any question has been answered Yes the project may be significant and a completed Environmental Assessment Form is necessary.

(c) If all questions have been answered No it is likely that this project is not significant.

(d) Environmental Assessment

1. Will project result in a large physical change to the project site or physically alter more than 10 acres of land? ☐ Yes ☒ No
2. Will there be a major change to any unique or unusual land form found on the site? ☐ Yes ☒ No
3. Will project alter or have a large effect on an existing body of water? ☐ Yes ☒ No
4. Will project have a potentially large impact on groundwater quality? ☐ Yes ☒ No
5. Will project significantly effect drainage flow on adjacent sites? ☐ Yes ☒ No
6. Will project affect any threatened or endangered plant or animal species? ☐ Yes ☒ No
7. Will project result in a major adverse effect on air quality? ☐ Yes ☒ No
8. Will project have a major effect on visual character of the community or scenic views or vistas known to be important to the community? . . . ☐ Yes ☒ No
9. Will project adversely impact any site or structure of historic, pre-historic, or paleontological importance or any site designated as a critical environmental area by a local agency? . . . ☐ Yes ☒ No
10. Will project have a major effect on existing or future recreational opportunities? . . . ☐ Yes ☒ No
11. Will project result in major traffic problems or cause a major effect to existing transportation systems? ☐ Yes ☒ No
12. Will project regularly cause objectionable odors, noise, glare, vibration, or electrical disturbance as a result of the project's operation? . ☐ Yes ☒ No
13. Will project have any impact on public health or safety? ☐ Yes ☒ No
14. Will project effect the existing community by directly causing a growth in permanent population of more than 5 percent over a one-year period or have a major negative effect on the character of the community or neighborhood? . . ☐ Yes ☒ No
15. Is there public controversy concerning the project? . . . ☐ Yes ☒ No

PREPARER'S SIGNATURE:

TITLE:

REPRESENTING:

DATE:

9/1/78

[Signature] *Land Surveyor*
Agelo Rizzo ; Luciano Rizzo *Jan. 13, 1987*

WATER, SEWER, HIGHWAY REVIEW FORM:

The maps and plans for the Site Approval _____
Subdivision _____ as submitted by
Patrick Kennedy L.S. for the building or subdivision of
Angelo Rizzo + Lorraine Rizzo has been
reviewed by me and is approved ✓,
~~disapproved~~ _____.

If ~~disapproved~~, please list reason.

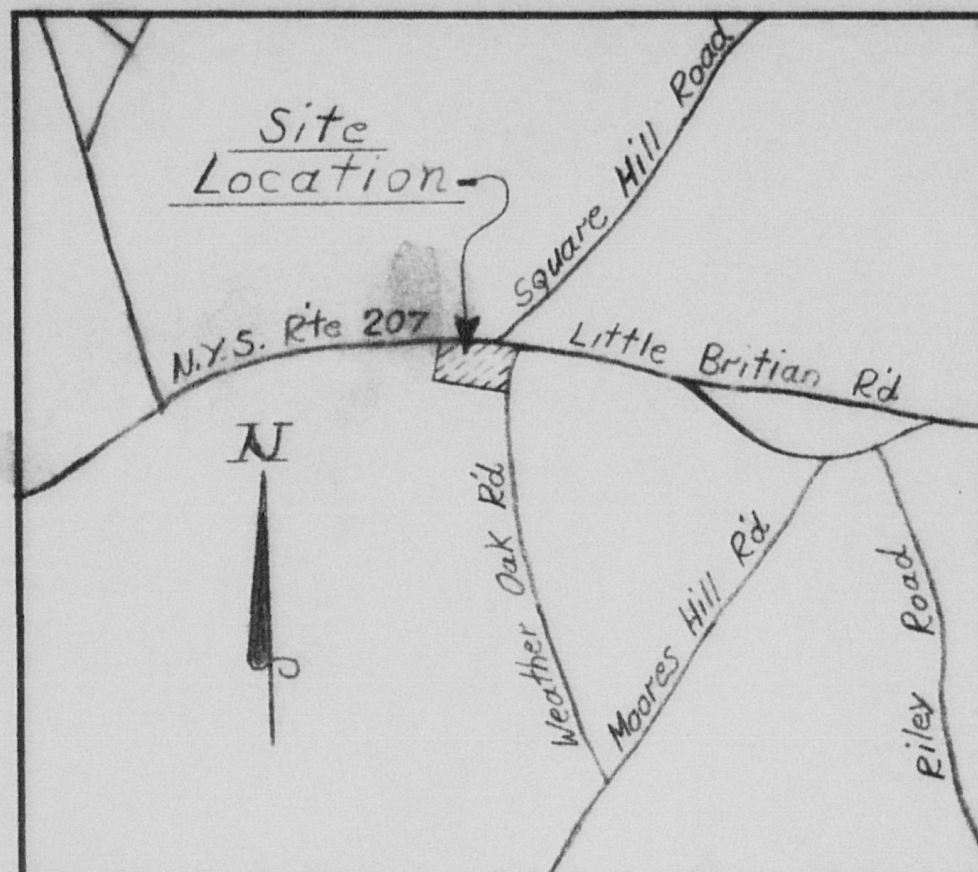
There is no existing Town water system in
this area as yet.

HIGHWAY SUPERINTENDENT

✓ Steve D. D. D.
WATER SUPERINTENDENT

SANITARY SUPERINTENDENT

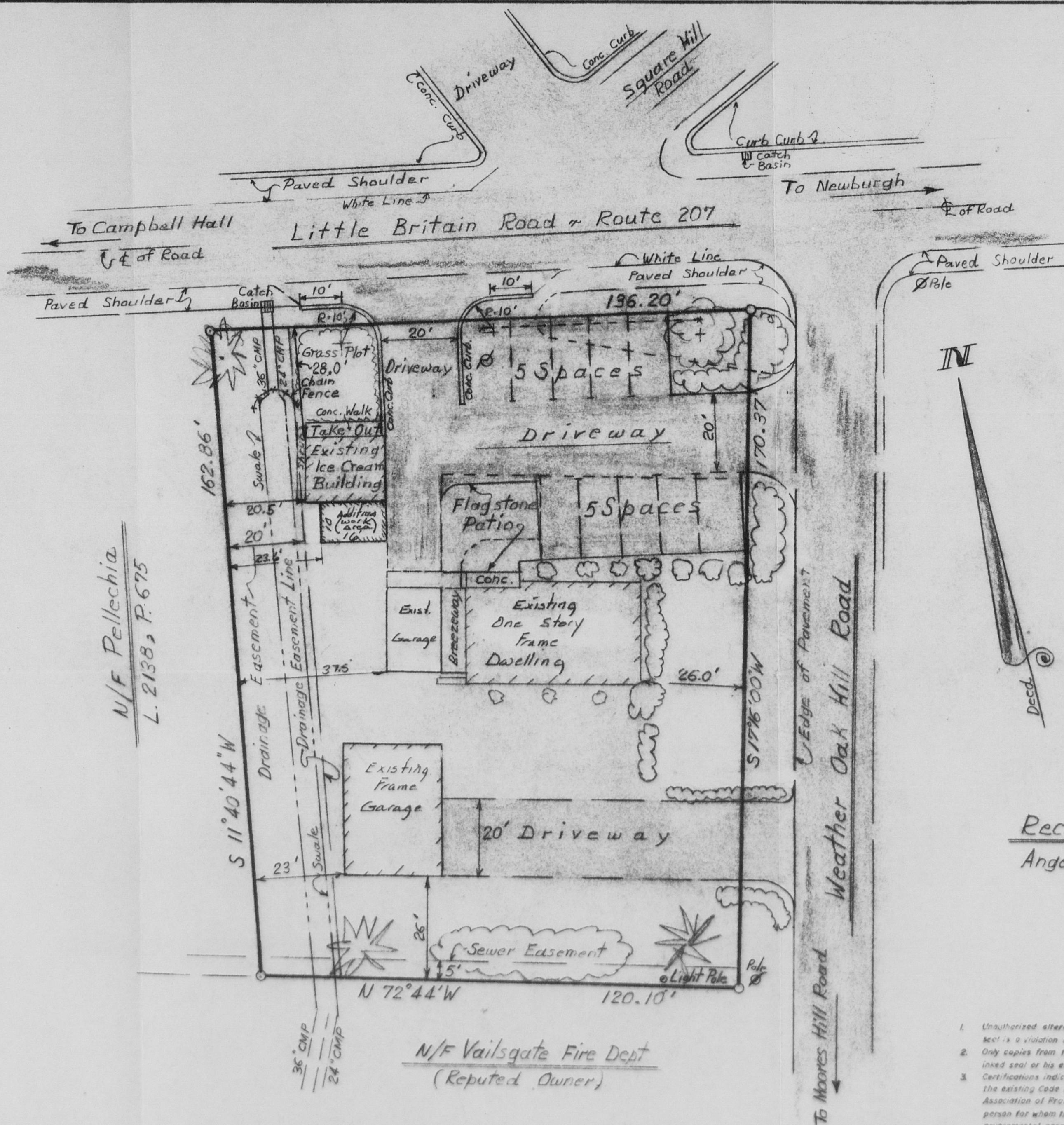
DATE



Location Map

Scale: 1" = 1,000'

Note: The proposal under this application is to increase an existing concrete patio area, to the rear of the existing recreation building, for additional work area. The addition to be 10' x 16'



Tax Map Data:

Section: 33
Block: 2
Lot: 13.1

Deed Reference:

Liber 2022, Page 637

Zoning District NC:

Lot Area: 10,000 S.F.
Lot Width: 100'
Front Yard: 40'
Rear Yard: 15'
One Side Yard: 15'
Both Side Yards: 35'
Floor Ratio Area: 1

Lot Area: 26,350 S.F.

Site Plan APPROVAL GRANTED
BY TOWN OF NEW WINDSOR PLANNING BOARD
ON 4-13-88
BY *Henry F. Scheible*

HENRY F. SCHEIBLE
SECRETARY

Record Owner & Subdivider:

Angelo Rizzo & Lorraine Rigney
601 Little Britain Road
New Windsor, New York 12550

To Angelo Rizzo, Lorraine Rigney
and The Town of New Windsor,
certified to be a correct and
accurate survey.

Dated: Sept. 12, 1986

1. Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of section 7203, sub-division 2 of the N.Y. State Education Law.
2. Only copies from the original of this survey marked with an original of the land surveyor's inked seal or his embossed seal shall be considered to be valid true copies.
3. Certifications indicated hereon signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors. Said certifications shall run only to the person for whom the survey is prepared, and on his behalf to the title company, governmental agency and lending institution listed hereon, and to the assignee of the lending institution. Certifications are not transferable to additional institutions or subsequent owner.
4. Underground improvements or encroachments, if any, are not shown hereon.



Patrick T. Kennedy L.S. 335 Temple Hill Road - New Windsor, New York 12550		
SCALE: 1" = 20'	APPROVED BY:	DRAWN BY:
DATE: Sept 8, 1986		REVISED: Dec 7, 1987
Site Plan for Angelo Rizzo & Lorraine Rigney Town of New Windsor Orange County, New York		
DRAWING NUMBER 87-664		